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HARVARD, IL 60033

Nov. 18, 1997

Federal Communications Commission

ATTN: Office of The Secretary

Washington, DC 20554

As a member of The Experimental Aircraft Association and a licensed pilot I want to go on record as agreeing with the letter from MR. Tom Poberezny, EAA President, in opposition to the FCC Proposal (Docket # 97-182) titled "Preemption of State and Local Zoning and Land Use Restrictions on the siting, placement and construction of Broadcast Station Transmission Facilities".

I agree with MR Poberezny that the elimination of local zoning authority over Radio Towers could and most probably would create hazardous flight conditions near airports as well as a danger to persons and property on the ground in the vicinity of towers near airports. As a pilot this has a direct bearing on my safety and my life.

The proposed Rule must NOT be adopted.

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Richard W. Zahn
RICHARD W. HAHN



EAA AVIATION CENTER
P.O. BOX 3086
OSHKOSH, WI 54903-3086

PHONE 920-426-4800
FAX 920-426-4873

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September 30, 1997

11-21-1997

Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

SUBJECT: Docket No. 97-182 Preemption of State and Local Zoning and Land Use
Restrictions on Citing, Placement and Construction of Broadcast Station
Transmission Facilities.

Dear Sir or Madam:

The Experimental Aircraft Association (EAA) is a sport aviation association with a worldwide membership of over 167,000. EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to the furtherance of aviation, the preservation of its history and the enjoyment of sport aviation. In addition, EAA has over 900 chapters, which form the grass-roots foundation for the aviation movement.

The following comments are filed in response to this proposal and, in particular, in objection to the proposed preemption of local zoning and land use ordinances. The proposed preemption will allow the construction of obstacles to air navigation as defined by the Federal Aviation Administration (FAA). The FAA's rules in regard to obstacles such as transmission towers are contained in the Code of Federal Regulations Chapter 14 Part 77. The FAA has no method to prevent the construction of towers that are considered obstructions by the regulations. Typically, as a prerequisite for FAA airport funding, many local authorities adopt zoning ordinances preventing the construction of towers defined as an obstacle by the FAA. This proposed rule will preempt all such ordinances.

The FAA can prevent the construction of a broadcast tower only if it can determine that the tower is a "hazard," but the FAA does not provide any protection against "obstacles." Further, the FAA does not protect many private airports from "hazards." To date, airport owners have had to rely on local authorities to ensure the safety of the airspace around their airports. It is possible, under this proposal, for a broadcast tower to be constructed next to a private airport and then, as a result, the airport lose its license to operate because

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FCC Docket 97-182

of the tower's construction. This could result in the closing of hundreds, if not thousands, of airports across the country.

Airports that remain open after obstacles have been constructed near them will certainly have an increased likelihood of an accident between an aircraft and a broadcast tower.

Local ordinances are of such importance to aviation safety that the FAA developed and published an Advisory Circular, AC 150/5190-4A - A Model Zoning Ordinance To Limit Height of Objects Around Airports. It is clear from the existence of this Advisory Circular that the intent of the Federal Government is that local authorities should have an opportunity to review the construction of broadcast towers. It is not in the interest of the public, safety, or economy to allow the construction of broadcast towers defined as obstacles to air navigation by the FAA without allowing the local authorities to review any such proposed facilities.

No undue burden is placed on a broadcaster by allowing the local authorities to review the construction of new transmission facilities defined as obstacles by the FAA. Most localities in the US currently have existing "tower farms" that can be utilized for digital television, and new towers could be constructed if the tower was not considered an obstacle or if the local authority authorized a variance.

The EAA does not believe there is a benefit to the public in implementing this rule. At the very least, this proposed rule should be revised to allow local authorities to regulate the construction of towers considered to be obstacles by the FAA.

The EAA appreciates the opportunity to comment on this proposal.

Sincerely,
EXPERIMENTAL AIRCRAFT ASSOCIATION

Earl Lawrence

Earl Lawrence
Director, Government Programs

AGREEMENT TO THIS LETTER
Richard E. Huntzler PRESIDENT
EAA Chapter 82 Canton Ohio



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NOV 24 1997

STATE OF NEW YORK

GEORGE E. PATAKI
GOVERNOR

FCC 97-296

November 10, 1997

Re: Notice of Proposed Rule-Making
FCC 97-296
MM Docket No. 97-182
Preemption of State & Local Land Use Regulations

Dear Mr. Caton:

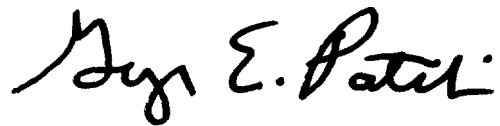
I write to express New York State's strong opposition to the proposed rule making currently before the Federal Communications Commission regarding broadcast transmission towers, which would threaten New York's longstanding protections in the Adirondack Park and other environmentally sensitive areas, while also usurping local control over land use. I urge the Federal Communications Commission to reject this proposed rule.

New York is a strong home rule state with a deeply rooted history of permitting its local governments to conduct land use planning and decision making without interference from higher levels of government, leaving it to those best informed and prepared to make the decisions which involve balancing a wide variety of competing land use interests, with the goals of community-based planning and zoning. This proposal runs contrary to our current law which recognizes the ability of local governments to control land use based upon other objectives such as environment, aesthetics and historic preservation.

New York, by constitutional mandate, is charged with the responsibility of preserving the Adirondack Park, a six million acre area in northern New York, home to the largest designated wilderness area east of the Mississippi River, an area which includes both public and private lands in nearly equal proportion. New Yorkers are united by our love of the Adirondacks, the largest, most pristine wilderness east of the Rockies. We share a long tradition of protecting the beauty and wonder of the Adirondacks, as well as the majestic Catskills and our natural resources across the State like Allegany State Park.

The FCC proposal could virtually eliminate legal protections for public and private lands in the Adirondack Park and Catskills. New Yorkers are proud of our long tradition of protecting the Adirondacks and all the State's natural resources. Our state parks and wilderness areas must be protected from such a sweeping preemption for all broadcast transmission facilities.

Very truly yours,

A handwritten signature in black ink, reading "Guy E. Patel". The signature is fluid and cursive, with the first name "Guy" being more prominent and the last name "Patel" following in a similar style.

Mr. William F. Caton
Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554



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LINCOLN COUNTY JOINT PLANNING COMMISSION

211 WEST THIRD STREET • NORTH PLATTE, NEBRASKA 69101

November 19, 1997

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Office of Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

Dear Earl Lawrence:

This is in response to your letter received concerning Preemption of State and Local Zoning and Land Use Restrictions on Citing, Placement and Construction of Broadcast Station Transmission Facilities.

Lincoln County requires a conditional use permit to be processed and approved by the County Planning Commission before a tower can be placed in Rural Lincoln County. This procedure requires notification of surrounding property owners and public hearings held before the Planning Commission. This procedure has been very effective for locating towers in Lincoln County.

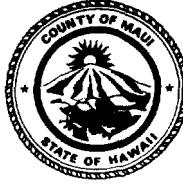
The Planning Staff feels that losing local control for placement of towers would not be in the best interest of Lincoln County and would be very detrimental to Zoning, Land Use and Aviation Safety in Lincoln County, Nebraska. The staff recommends disapproval of Docket No. 97-182.

Sincerely Yours,

Jim Perry
Planning Administrator

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LINDA CROCKETT LINGLE
Mayor



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DAVID W. BLANE
Director

LISA M. NUYEN
Deputy Director

**COUNTY OF MAUI
DEPARTMENT OF PLANNING**

250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

MM 97-182

November 19, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Caton:

RE: NOTICE OF PROPOSED RULE MAKING, FCC 97-296, REGARDING
DIGITAL TELEVISION SERVICE

The County of Maui is apposed to the Notice of Proposed Rule Making, MM Docket No. 97-181 regarding digital television service, which would enable the Federal Communications Commission to preempt State and Local land use laws which present an obstacle to the rapid implementation of digital television service.

The proposed rule making is neither needed nor desired. The County already has policies and guidelines that allow for the siting of television and broadcasting antennae. The proposed rule making would infringe on our land use responsibilities. It could also threaten the quality of life and public health and safety of our citizens.

Please reconsider this ill-conceived measure. Thank you for the opportunity to comment. If you have any questions, please contact John F. Summers at (808) 243-7735.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David W. Blane".

DAVID W. BLANE
Director of Planning

DWB:jfs
cc: John F. Summers
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MM97-182

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MICHAEL REAL
4220 NW BARLOW CT
CANAS WA. 98607
NOV. 13 1997

FCC Docket 87-296
FCC Dockets Branch
Room 238 1818 K ST. NW
WASHINGTON DC. 20037

TO Whom it may concern.

AS A SEASONAL AVIATION PILOT I am quite
concerned with your ability to oversee
LOCAL AND STATE ZONING ON ~~ERECTOR~~ ^{ERECTOR} of
TALL T.V. TOWERS with new high DEFINITION
T.V. SERVICE. IT IS IMPERATIVE THAT
THOSE TOWERS NOT BE PLACED IN AREAS
CLOSE TO REGIONAL OR LOCAL AIRPORT
FLIGHT PATHS OR TRAFFIC PATTERNS.
AVIATION AND AIRCRAFT DISASTERS HAVE
BEEN CAUSED A LOT WORSE THAN T.V. TOWERS
LET'S NOT STRANGLE AN IMPORTANT MEANS

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OF COMMERCE IN THIS COUNTRY.
WITH HIGH HAZARD PLACEMENT OF
TOWERS, I WOULD BE DANGEROUS
AND FOOLISH

Michael Real

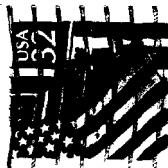


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FCC Docket 97-286

FCC Dockets Branch

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